

THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

\* \* \* \* \*

UNITED STATES OF AMERICA	*	Houston, Texas
	*	February 12, 2015
VS.	*	1:40 p.m. - 1:50 p.m.
	*	
(1) ALIKSANDR BEKETAV	*	NO. H-14-CR-637-1
(2) MIKHAIL SHIFORENKO	*	NO. H-14-CR-637-2
(3) ALEXSANDR VORONOV	*	NO. H-14-CR-637-3
(4) <b>DANIELA GOZES-WAGNER</b>	*	<b>NO. H-14-CR-637-4</b>

\* \* \* \* \*

**INITIAL APPEARANCE**

BEFORE THE HONORABLE STEPHEN W. SMITH  
UNITED STATES MAGISTRATE JUDGE

\* \* \* \* \*

Proceedings recorded by electronic sound recording  
Transcript produced by transcription service.

**GLR TRANSCRIBERS**  
9251 Lynne Circle  
Orange, Texas 77630 \* 409-330-1610

1 **APPEARANCES:**

2 For the Government:

3 MR. JASON B. SMITH  
4 **U.S. Attorney's Office**  
5 1000 Louisiana, Suite 2300  
6 Houston, Texas 77002

7 U.S. Pretrial Services:

8 CYNTHIA MORENO

9 Case Manager:

10 JASON MARCHAND

11 Electronic Recorder:

12 SUZANNE GUEVARA

13

14

15

16

17

18

19

20

21

22

23

24

25

# P R O C E E D I N G S

1:40 P.M. - FEBRUARY 12, 2015

THE COURT: All right. Good afternoon, ladies and gentlemen. Please be seated.

All right. The first case this afternoon is United States of America vs. Aliksandr Beketav, Mikhail Shiforenko, Aleksandr Voronov, and Daniela Gozes-Wagner, Criminal Case H-14-637.

MR. SMITH: Jason Smith for the United States.

THE COURT: Good afternoon, Mr. Smith.

All right. I'd like Mr. Beketav on my left, then Mr. Shiforenko, then Mr. Voronov, and then Ms. Gozes-Wagner. Okay.

All right. We're here to conduct the initial appearance in your case. It would be better if we get you all together. The purpose of this proceeding is to advise you of the charges brought against you, to advise you of your right to remain silent, to advise you of your right to counsel, and to schedule other proceedings that might be necessary.

First of all, I wanted to make sure that each of you have received a copy of the Indictment against you.

Mr. Beketav, have you received a copy of the Indictment?

1                   DEFENDANT BEKETAV:   Yes.

2                   THE COURT:   Okay.   Do you read and write the  
3 English language?

4                   DEFENDANT BEKETAV:   Yes.

5                   THE COURT:   Do any of you feel the need for an  
6 interpreter?   You feel like you all understand the  
7 proceedings here at this point?   If at any point, any  
8 of you don't understand or feel like you will need the  
9 assistance of an interpreter, please let me know and  
10 we'll go from there.   All right.

11                   Mr. Shiforenko, have you received a copy  
12 of the Indictment?

13                   DEFENDANT SHIFORENKO:   Yes.

14                   THE COURT:   And Mr. Voronov?

15                   DEFENDANT VORONOV:   Yes.

16                   THE COURT:   And Ms. Gozes-Wagner?

17                   DEFENDANT GOZES-WAGNER:   Yes, sir.

18                   THE COURT:   All right.   In this Indictment you  
19 are charged -- each of you are charged in Count One  
20 with conspiracy to commit health care fraud, in  
21 violation of Title 18, United States Code, Section  
22 1349.   The potential penalty for this count is up to  
23 10 years in prison, a \$250,000 fine, up to three years  
24 supervised release, and \$100 Special Assessment.

25                   Three of the defendants -- Mr. Beketav,

1 Mr. Shiforenko, and Mr. Voronov -- are charged in Count  
2 Two with conspiracy to commit money laundering, in  
3 violation of Title 18, United States Code, Section  
4 1956(a)(1)(B)(i). The potential penalty range for this  
5 count is up to 20 years in prison, a \$500,000 fine, or  
6 twice the value of the property and transaction, not  
7 more than three years supervised release. And both  
8 counts carry a \$100 Special Assessment.

9 Now, without discussing whether or not  
10 these charges are true, let me ask you, Mr. Beketav, do  
11 you understand what the Government is claiming you have  
12 done?

13 DEFENDANT BEKETAV: Yes.

14 THE COURT: All right. Mr. Shiforenko, do you  
15 understand?

16 DEFENDANT SHIFORENKO: Yes, Your Honor.

17 THE COURT: All right. And Mr. Voronov, do  
18 you understand? You need to answer out loud so we  
19 can --

20 DEFENDANT VORONOV: Yes.

21 THE COURT: Thank you.

22 And Ms. Gozes-Wagner?

23 DEFENDANT GOZES-WAGNER: Yes, sir.

24 THE COURT: You understand? All right.

25 With respect to these charges, each of

1 you have the right to remain silent. If you make any  
2 statement, it can be used against you.

3 Do you understand that, Mr. Beketav?

4 DEFENDANT BEKETAV: Yes.

5 THE COURT: Do you understand that any  
6 statement that you make regarding this case can be used  
7 against you? Is that a yes?

8 DEFENDANT BEKETAV: Yes.

9 THE COURT: All right.

10 And Mr. Shiforenko, do you understand  
11 that?

12 DEFENDANT SHIFORENKO: Yes, Your Honor.

13 THE COURT: And Mr. Voronov, do you understand  
14 that?

15 DEFENDANT VORONOV: Yes.

16 THE COURT: And Ms. Gozes-Wagner, do you  
17 understand?

18 DEFENDANT GOZES-WAGNER: Yes.

19 THE COURT: Also, each of you have the right  
20 to be represented by counsel at all stages of this  
21 case. If you cannot afford counsel, you can ask the  
22 Court to appoint counsel on your behalf.

23 Mr. Beketav, do you intend to retain your  
24 own attorney in this case? That's a yes?

25 DEFENDANT BEKETAV: Yes.

1 THE COURT: Okay. And Mr. Shiforenko, you as  
2 well?

3 DEFENDANT SHIFORENKO: Yes.

4 THE COURT: Mr. Voronov?

5 DEFENDANT VORONOV: Yes.

6 THE COURT: And Ms. Gozes-Wagner?

7 DEFENDANT GOZES-WAGNER: I will attempt to  
8 obtain one.

9 THE COURT: I'm sorry?

10 DEFENDANT GOZES-WAGNER: I will attempt to  
11 obtain one.

12 THE COURT: All right. Well, we will set a  
13 counsel determination hearing in this case for next  
14 Tuesday, February 17th, at 2:00 p.m. Hopefully, by  
15 that time each of you will have been able to make  
16 arrangements to retain an attorney and he or she can  
17 come down and enter an appearance on your behalf.

18 Now, what is the Government's position  
19 with regard to bond, Mr. Smith?

20 MR. SMITH: We're seeking detention at this  
21 time for each of these defendants, Your Honor.

22 THE COURT: All right. The Government has  
23 asked that each of you be detained in custody pending  
24 the trial of your case. You are entitled to a  
25 Detention Hearing, at which the Government will be

1 required to produce evidence that you are a flight risk  
2 or a danger to the community such that the Court cannot  
3 safety release you on bond. I think we'll schedule  
4 that hearing for next week after the -- after each of  
5 you have been able to retain an attorney and we can get  
6 a definite date for that Detention Hearing. But  
7 pending that Detention Hearing, each of you will remain  
8 in custody.

9 Do you understand that?

10 DEFENDANT BEKETAV: Yes.

11 DEFENDANT SHIFORENKO: Yes.

12 DEFENDANT VORONOV: Yes.

13 DEFENDANT GOZES-WAGNER: Can I make a special  
14 request, Your Honor?

15 THE COURT: Yes, ma'am.

16 DEFENDANT GOZES-WAGNER: Well, I'm a single  
17 mom with two kids and I don't have any family here, so  
18 I'd like to not be considered as a flight risk.

19 THE COURT: Well, at this point the Government  
20 has asked that you be detained, as well as the other  
21 defendants. The purpose of the Detention Hearing is  
22 to determine whether or not you are a flight risk and  
23 whether or not you will be detained or whether or not  
24 the Court can release you on bond. So that's not going  
25 to be determined until next week. So you will remain



1 in custody until this hearing next week.

2 All right. Mr. Beketav, do you have any  
3 questions about any of this?

4 DEFENDANT BEKETAV: My health.

5 THE COURT: You're concerned about your health?

6 DEFENDANT BEKETAV: Yes.

7 THE COURT: Do you take medication?

8 DEFENDANT BEKETAV: Yes, I take medication and  
9 a lot of --

10 THE COURT: You have a lot of what?

11 DEFENDANT BEKETAV: [Bad?] Bones.

12 THE COURT: Okay. Well, as I understand it,  
13 have they been interviewed by Pretrial Services?

14 PTSO MORENO: Yes, sir.

15 THE COURT: Okay. Any medical conditions that  
16 they need attending to, I'll direct Pretrial Services  
17 to communicate that to the marshals so that they can --  
18 well, of course, you're not supposed to receive the  
19 Pretrial Services Report.

20 All right, let me ask this, Mr. Beketav --  
21 well, I'll tell the marshals that you do have a medical  
22 condition and that they need to be aware and that they  
23 be advised that you be accommodated while you're in  
24 detention.

25 Do any of the other defendants have a

1 medical condition that needs to be --

2 DEFENDANT SHIFORENKO: I did, but I already  
3 discussed it with this lady.

4 THE COURT: Okay. All right. If there are  
5 such conditions, they need to be communicated to the  
6 Marshal Service and I'm sure they will accommodate and  
7 make sure that you are given proper treatment while  
8 you're in custody.

9 DEFENDANT SHIFORENKO: The have the medication.

10 THE COURT: Oh, they have the medication?

11 DEFENDANT SHIFORENKO: Yeah.

12 THE COURT: Okay. All right, those issues are  
13 typically taken care of by the Marshal Service when  
14 you're in custody.

15 DEFENDANT GOZES-WAGNER: Can I also make  
16 another request?

17 THE COURT: Yes, ma'am.

18 DEFENDANT GOZES-WAGNER: Can I make a few  
19 phone calls to try to find an arrangement for my kids?

20 THE COURT: I'll allow you each a phone call  
21 to make arrangements for your attorney or to contact a  
22 family member to help make arrangements for your kids.

23 DEFENDANT GOZES-WAGNER: I don't have any  
24 family members here.

25 THE COURT: Okay. Who would you call about

1 that?

2 DEFENDANT GOZES-WAGNER: I would have to call  
3 several friends to find out who can help me.

4 THE COURT: Several friends?

5 DEFENDANT GOZES-WAGNER: Yes, sir.

6 THE COURT: You don't know one in particular?

7 DEFENDANT GOZES-WAGNER: I can try, but no,  
8 not right off.

9 MR. SMITH: Your Honor?

10 THE COURT: Yes.

11 MR. SMITH: Could I step away for a second?

12 THE COURT: All right.

13 USPTO MORENO: I believe somebody is in the  
14 gallery for her.

15 THE COURT: All right.

16 COURT CLERK: Your Honor, there is someone who  
17 has been inquiring about Ms. Wagner in the gallery.

18 THE COURT: Okay.

19 COURT CLERK: I will -- I think they have a  
20 message for her. I will get that message to her.

21 THE COURT: All right. Someone is here for  
22 you to communicate with about taking care of your  
23 children, and so that can take place here in the  
24 courtroom.

25 DEFENDANT GOZES-WAGNER: Okay.

1 MR. SMITH: Thank you, Judge. I don't have  
2 anything to add.

3 THE COURT: Okay. All right.

4 All right. Anyone else have any questions  
5 about any of this?

6 All right, if nothing further, anything  
7 else, Mr. Smith?

8 MR. SMITH: No, Your Honor.

9 THE COURT: All right. Y'all may be excused,  
10 then. Thank you.

11 ***[1:50 p.m. - Proceedings adjourned]***

12

13 C E R T I F I C A T I O N

14

15 I certify that the foregoing is a correct  
16 transcript of the electronic sound recording of the  
17 proceedings in the above-entitled matter.

18

19

20 /s/ Gwen Reed

21 4-25-19

22

23

24

25